

ASSEMBLY BILL

No. 1974

Introduced by Assembly Member Gallagher

February 16, 2016

An act to amend Sections 27201 and 27288.1 of the Government Code, relating to the county recorder.

LEGISLATIVE COUNSEL'S DIGEST

AB 1974, as introduced, Gallagher. County recorder: recordation of documents.

Existing law requires the county recorder, upon payment of proper fees and taxes, to record any instrument, paper, or notice that is authorized or required to be recorded, provided that the instrument, paper, or notice meets certain standards. Existing law also requires all documents authorized by law to be recorded in the official records of a county to contain specified information.

This bill would require the documents described above that are rerecorded to be executed and acknowledged or verified as new documents, unless otherwise provided, and to contain a notation on the face specifying the reason for the rerecording.

By imposing new duties upon local county officials with respect to the recordation of documents, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27201 of the Government Code is
2 amended to read:

3 27201. (a) The recorder shall, upon payment of proper fees
4 and taxes, accept for recordation any instrument, paper, or notice
5 that is authorized or required by statute, or court order to be
6 recorded, or authorized or required to be recorded by a local
7 ordinance that relates to the recordation of any instrument, paper,
8 or notice that relates to real property, if the instrument, paper, or
9 notice contains sufficient information to be indexed as provided
10 by statute, meets recording requirements of state statutes and local
11 ordinances, and is photographically reproducible. The county
12 recorder shall not refuse to record any instrument, paper, or notice
13 that is authorized or required by statute, court order, or local
14 ordinance that relates to the recordation of any instrument, paper,
15 or notice that relates to real property to be recorded on the basis
16 of its lack of legal sufficiency.

17 “Photographically reproducible,” for purposes of this division,
18 means all instruments, papers, or notices that comply with
19 standards as recommended by the American National Standards
20 Institute or the Association for Information and Image Management
21 for recording of records.

22 (b) (1) Each instrument, paper, or notice shall contain an
23 original signature or signatures, except as otherwise provided by
24 law, or be a certified copy of the original.

25 (2) A facsimile signature shall be accepted on a lien recorded
26 by a governmental agency when that facsimile signature has been
27 officially adopted by that agency. The lien shall have noted on its
28 face a statement to that effect. The officially adopted facsimile
29 signature shall be provided to the county recorder by a letter from
30 the agency. A facsimile signature shall continue to be valid until
31 the agency notifies the county recorder that the facsimile signature
32 has been revoked.

1 (c) *Each instrument, paper, or notice that is rerecorded shall*
2 *be executed and acknowledged or verified as a new document, in*
3 *addition to any previous acknowledgment or verification, unless*
4 *otherwise exempted by Section 27287 or any other law, or if being*
5 *presented solely to correct a recording sequence. The instrument,*
6 *paper, or notice shall contain a notation on its face specifying the*
7 *reason for the rerecording.*

8 SEC. 2. Section 27288.1 of the Government Code is amended
9 to read:

10 27288.1. All documents described in this section now or
11 hereafter authorized by law to be recorded in the official records
12 of a county shall contain the following information in addition to
13 any information as may be required by law pertaining to the
14 particular document:

15 (a) If the document effects or evidences a transfer or
16 encumbrance of an interest in real property, the name or names in
17 which the interest appears of record, except that a notice of
18 assessment recorded pursuant to Section 3114 of the Streets and
19 Highways Code, a notice of special tax lien recorded pursuant to
20 Section 3114.5 of the Streets and Highways Code, and a notice of
21 award of contract recorded pursuant to Section 5248 of the Streets
22 and Highways Code, shall show the name or names of the assessed
23 owners as they appear on the latest secured assessment roll.

24 (b) If the document releases or terminates any interest, right or
25 encumbrance, it shall contain or have appended thereto all of the
26 names of those persons and entities owning the title or interest
27 being relieved by the document, or the names of the owners of that
28 title or interest as they appeared at the time and in the document
29 creating the interest, right or encumbrance.

30 (c) In cases where the county tax collector is filing purchaser's
31 deeds with respect to a sale for defaulted taxes, those documents
32 shall be deemed to constitute compliance with this section.

33 No document subject to this section shall be recorded or indexed
34 in the official records of a county unless it contains the information
35 required by this section as well as any additional information
36 required by law pertaining to the particular document, but the
37 recorder may rely upon the information contained in, or appended
38 to, the document being offered for record. The failure of any
39 document to include all of the names required by this section shall
40 not affect the constructive notice which would otherwise be

1 afforded by the recording of the document. This section shall not
2 apply to a vacation or abandonment by a public agency of a public
3 highway or road.

4 *(d) If a document is rerecorded, it shall be executed or*
5 *acknowledged or verified as a new document, in addition to any*
6 *previous acknowledgment or verification, unless otherwise*
7 *exempted by Section 27287 or any other law, or if being presented*
8 *solely to correct a recording sequence. The document shall contain*
9 *a notation on its face specifying the reason for the rerecording.*

10 SEC. 3. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.